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SANDISK CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RS

CV 13 80 271 MISC

SANDISK CORPORATION,

Plaintiff,

vs.

IPVALUE MANAGEMENT, INC.,

Defendant.

IN RE: SUBPOENA ISSUED IN:

SANDISK CORPORATION,

Plaintiff and Counterclaim Defendant,

vs.

ROUND ROCK RESEARCH LLC,

Defendant and Counterclaim Plaintiff.

Misc. Case No. _____
[Related to Action Currently Pending
in the U.S. District Court, N.D. Cal.
Case No. 11-cv-05243-RS]

**SANDISK'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
CONFIDENTIAL INFORMATION
DISCLOSED IN ITS MOTION TO
COMPEL PRODUCTION OF
SUBPOENAED DOCUMENTS FROM
IPVALUE MANAGEMENT, INC.**

Pursuant to Federal Rule of Civil Procedure 26(c) and Civil Local Rules 7-11 and 79-5, Plaintiff SanDisk Corporation ("SanDisk") submits this administrative motion for an order to seal portions of SanDisk's Notice of Motion, Motion, and Memorandum Support of Its Motion to Compel Production of Subpoenaed Documents from IPValue Management, Inc. ("Motion to Compel"). SanDisk's motion also requests the Court to seal certain exhibits submitted in support of SanDisk's Motion to Compel.

ARGUMENT

On December 30, 2009, non-practicing entity Round Rock Research LLC ("Round Rock") purchased roughly 4,200 patents and patent applications from Micron Technology, Inc. ("Micron") for the purpose of licensing and enforcing those patents in its patent licensing business. Round Rock is presently asserting nine of these patents against SanDisk in a related case. [See *SanDisk Corp. v. Round Rock Research LLC*, No. 3:11-cv-05243-RS (N.D. Cal. 2011) ("Round Rock Litigation").]

Round Rock also entered an agreement with IPValue Management, Inc. ("IPValue") to assist in licensing its newly acquired patents. In connection with the Round Rock Litigation, SanDisk served a subpoena with eighteen document requests on IPValue on May 18, 2012. On November 16, 2012, IPValue produced a total of 65 documents and communications in response to SanDisk's document request. On December 6, 2012, IPValue served its privilege log, which contained 149 entries. Because IPValue has refused to produce relevant documents, choosing instead to withhold certain documents under the pretense of the work product doctrine and the attorney client privilege, SanDisk has filed this related action to compel the production of subpoenaed documents from IPValue. [See Motion to Compel.] In connection with SanDisk's Motion to Compel, SanDisk has included materials that have been designated as highly confidential by IPValue and/or Round Rock in reliance upon a Protective Order entered by the Court in the related Round Rock Litigation. SanDisk's Motion to Compel and supporting exhibits contain and describe this information which has been designated by IPValue and/or Round Rock under the Protective Order. Accordingly, SanDisk requests that the following documents be filed under seal:

EXHIBITS A-F TO THE DECLARATION OF CHUCK EBERTIN: SanDisk seeks permission to file Exhibits A-F to the Declaration of Chuck Ebertin in Support of SanDisk's Motion to Compel Production of Subpoenaed Documents from IPValue Management, Inc., executed on November 27, 2013 ("Ebertin Declaration") under seal because IPValue and/or Round Rock have designated them as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" under the Protective Order in the related Round Rock Litigation. Pursuant to Local Rule 79-5(d), SanDisk is filing this administrative motion to give IPValue and/or Round Rock the

1 opportunity to file a declaration establishing that such designated material is sealable and to
 2 file a proposed sealing order.

3 PORTIONS OF SANDISK'S MOTION TO COMPEL: Certain portions of SanDisk's Motion to
 4 Compel specifically quote, reference, or summarize aspects of the confidential information
 5 referenced in the above-identified exhibits. Pursuant to Local-Rule 79-5(c), SanDisk has
 6 submitted a highlighted version of its Motion to Compel identifying those portions which
 7 quote, reference or summarize the contents of the confidential exhibits referenced above.
 8 Pursuant to Local Rule 79-5(d), SanDisk is filing this administrative motion to give IPValue
 9 and/or Round Rock the opportunity to file a declaration establishing that such designated
 10 material is sealable and to file a proposed sealing order.

11 **CONCLUSION**

12 For the reasons set forth above, SanDisk respectfully requests that the Court enter an order
 13 granting SanDisk permission to file under seal Exhibits A-F to the Declaration of Chuck Ebertin and
 14 certain portions of SanDisk's Motion to Compel.

15
 16 Dated: November 27, 2013

VINSON & ELKINS LLP

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 18 By: /s/ Chuck P. Ebertin
 Chuck P. Ebertin

19 Attorneys for Plaintiff
 20 SANDISK CORPORATION
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PROOF OF SERVICE

I, Chuck Ebertin, certify that:

On November 27, 2013, I caused a copy of the foregoing **SANDISK'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL INFORMATION DISCLOSED IN ITS MOTION TO COMPEL PRODUCTION OF SUBPOENAED DOCUMENTS FROM IPVALUE MANAGEMENT, INC.** to be served on counsel for IPVALUE Management, Inc.

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- by transmitting via electronic mail a true and correct copy of the above-listed document scanned into an electronic file in Adobe "pdf" format.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct. Executed on November 27, 2013 in Palo Alto, California.

/s/ Chuck P. Ebertin
Chuck P. Ebertin